IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 29 OF 2007

Dr.Pradnya Prakash Wali & Anr..... Petitioners.
Versus
State of Maharashtra & Anr... .... Respondents.

Mr. S.H.Mehta with Mr. Akshay Patil
for the Petitioners.

Mr.A.A.Kumbhakoni, Associate Advocate General, with
Mr.N.P.Pandit, Assistant Government Pleader
for the Respondents.

**CORAM : R. M. LODHA, and**
**SMT.NISHITA MHATRE, JJ.**

**DATED : 12TH JANUARY, 2007.**

**P.C.:**

We heard the Counsel for the petitioners and the Associate Advocate General for the respondents.

2. The petitioners are twin sisters and domicile of Maharashtra. They completed their graduation in medicine (MBBS) from Rajiv Gandhi University of Health Sciences, Bangalore, Karnataka. The eligibility criteria, particulary clause 3 of the Notification No.2/2A dated 28th November, 2006 reads thus:

"A candidate who is domicile of Maharashtra and

who got admission under 15% quota of All India Entrance Examination for MBBS and who has obtained the MBBS degree from the University situated outside the State of Maharashtra and has obtained full registration either from Medical Council of India, New Delhi or from the concerned State Medical Council will also be eligible for PGM-CET 2007."

3. The Counsel submits that there is no basis at all for not making eligible the candidate of Maharashtra domicile, who completed his or her MBBS programme from outside Maharashtra but without getting selected to All India Entrance Examination for MBBS. He submits that mode of entry to the College for MBBS Degree shall not justify this classification.

4. The reply affidavit has been filed by the respondents. They have sought to justify the eligibility criteria prescribed in paragraph 3 of the said Notification stating that these are the students who have stood high in merit in an All India Common Entrance Examination conducted by Central Government Authorities and have been able to secure admission in such Educational Institutions of high excellence,

situate outside the State of Maharashtra. Such students are very few and belong to "the most-creamy layer amongst highly meritorious students" of the State. The State Government as a matter of policy has decided to permit such extra-ordinary highly meritorious students to come back to their parent State to complete their further studies of Post Graduation.

5. The Associate Advocate General referred to the decision of the Supreme Court in the case of **State of U.P. and others v/s Vineet Singh and others**, (2000) 7 SCC 262, in support of the stand set up by the respondents.

6. We are not persuaded by the submission of the Counsel for the petitioners. There is nothing wrong if the State Government carved out the class of the students who were able to secure admission in the 15% quota of All India Entrance Examination for MBBS outside the State of Maharashtra being the meritorious students. Such policy reflected in the paragraph 3 of the eligibility criteria cannot be said to be discriminatory or without any basis. The stand set up by the State Government gets support from the decision

of the Supreme Court in the case of Vineet Singh (supra).

7. Writ Petition does not deserve to be admitted and is dismissed in limine.

Sd/-

**(R. M. LODHA, J.)**

Sd/-

**(SMT.NISHITA MHATRE, J.)**